

May 23, 1991

LB 272A
LR 190

Stapp from Senator Rasmussen's district in Omaha. Would you rise and be recognized. Welcome to the Chambers. Thank you. We will proceed with item number 5, legislative resolutions, LR 190.

CLERK: LR 190, Madam President, was introduced by Senator Moore as Chair of the Appropriations Committee. It's found on page 2411. It asks the Legislature to authorize payment of attorney fees pursuant to statutory provision.

PRESIDENT MOUL: Senator Moore.

SENATOR MOORE: Madam President and members, LR 190 is in reaction to the Supreme Court filing by Gale Hamann...Hamann, I'm not sure how you say the lady's name, from Omaha, in regard to LB 272A on the Commonwealth disbursement. You may remember when that decision came down it ruled, one, that the state could not reimburse the depositors, as outlined in LB 272A, and it also, if you read that very last page of that decision, it mandated \$10,000 in attorney fees to Gale Hamann. LR 190 is in reaction to that. The way it works, in state statute 24-204, if such a court...legal fees are awarded, what has to happen is there must be a resolution by this Legislature in relation as outlined in that statute. LR 190 is that resolution. Basically, what has already occurred in our mainline budget bill that is now on Final Reading on...in amendment 1508 in the mainline on page 12, you will have seen, if you want to look at that, Section 13, number 11, in the Attorney General's appropriation it says, there is included in the appropriation to this program \$10,000 General Funds for fiscal year '91-92 for payment of reasonable attorney fees as authorized by Section 24-2401 and by legislative resolution. LR 190 is that legislative resolution that allows that to occur. And if you look at page 2411, you will read it. It, obviously, does not go into the rightness or wrongness of the situation, it simply recognizes that the court had awarded such fees and for the Legislature to move forward with our legal responsibility, whether you like it or not, we must pass this resolution. The money is already appropriated in the budget bill but to activate that the body must pass LR 190. And so, with that, I hate to use the word "reluctantly", I guess, given the situation, but I would ask the body to move LR 190.

PRESIDENT MOUL: Thank you, Senator Moore. Senator Wesely.